

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GLORIA ENANDER GIANNINI,  
  
Petitioner,  
  
v.  
  
RANDY L. TEWS, Warden,  
  
Respondent.

Case Nos.: C 13-2308 CW (PR)  
CR 02-40039 CW

ORDER DIRECTING CLERK TO  
RECATEGORY CASE AND FILE  
MOTION TO VACATE IN CR 02-40039  
CW.

On May 21, 2013, this case erroneously was opened as a habeas corpus action when Petitioner, a federal prisoner, filed a pro se petition challenging the validity of her federal criminal conviction. The case should have been opened as a motion to vacate the judgment and sentence, brought pursuant to 28 U.S.C. § 2255. Accordingly, the Clerk of the Court is hereby directed to RECATEGORY this case from a habeas corpus action (NOS 530) to a motion to vacate (NOS 510) and, because such motion must proceed in Petitioner's criminal case, to file the motion to vacate in United States of America v. Giannini, CR 02-40039 CW.

IT IS SO ORDERED.

Dated: 5/31/2013

  
CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE